

FILED

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
(Alexandria Division)

2014 FEB 12 A 11:21
CLERK US DISTRICT COURT
ALEXANDRIA, VIRGINIA

SHAPIRO BROWN & ALT, LLP,

Plaintiff,

v.

MASSACHUSETTS BAY INSURANCE
COMPANY,

Defendant

Case No.

1:14 CV 146
LOG/IDD

NOTICE OF REMOVAL

Defendant, Massachusetts Bay Insurance Company, by the undersigned counsel, hereby removes this case to this Court from the Circuit Court for Fairfax County Virginia, pursuant to 28 U.S.C. §§ 1441, 1332 and 1446, and in support thereof says:

1. On January 10, 2014, Shapiro Brown & Alt, LLP filed a Complaint seeking money damages against Massachusetts Bay Insurance Company in the Circuit Court for Fairfax County, Virginia. The action is captioned *Shapiro Brown & Alt, LLP v. Massachusetts Bay Insurance Company*, Case No. CL-2014-0000459. A copy of Plaintiff's Summons and Complaint is attached hereto as Exhibit 1.

2. Massachusetts Bay Insurance Company was served with the Summons and Complaint on January 27, 2014.

3. By undersigned counsel, Massachusetts Bay Insurance Company filed an Answer to the Complaint on February 11, 2014. A copy of that Answer is attached hereto as Exhibit 2.

4. This Court has original jurisdiction of the above-referenced civil action under the provisions of 28 U.S.C. § 1332, diversity jurisdiction, and the action may be removed to this Court pursuant to the provisions of 28 U.S.C. § 1441.

5. From the face of the Complaint, there is complete diversity among the parties. Plaintiff, Shapiro Brown & Alt, LLP is a limited liability company with partners in Maryland, Virginia and Illinois. Defendant Massachusetts Bay Insurance Company is a corporation, incorporated under the laws of the State of New Hampshire, with its principal place of business in Massachusetts.

6. Plaintiff alleges that it is entitled to indemnification under a Commercial Crime Policy issued by Massachusetts Bay Insurance Company. The amount of indemnification sought by Plaintiff is \$1,323,336.30, plus pre-judgment interest and costs. Thus, the amount in controversy exceeds \$75,000, exclusive of interest and costs.

7. This Notice of Removal is being filed within thirty (30) days after service of the action in the Circuit Court for Fairfax County, Virginia and thus is timely filed pursuant to 28 U.S.C. § 1446(b).

7. Pursuant to 28 U.S.C. §1446(a), a copy of all processes, pleadings and orders served upon this Defendant in the Circuit Court for Fairfax County, Virginia are attached hereto as Exhibit 1.

8. Pursuant to 28 U.S.C. §1446(d), Defendant will promptly file a copy of this Notice of Removal with the Circuit Court for Fairfax County, Virginia and will give written notice of the filing to the Plaintiff.

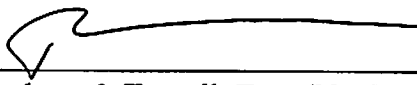
9. By filing this Notice of Removal, Defendant does not waive any defenses that may be available to it.

WHEREFORE, the Defendant, Massachusetts Bay Insurance Company, respectfully requests that the above-entitled action be removed from the Circuit Court for Fairfax County, Virginia to the United States District Court for the Eastern District of Virginia.

Respectfully submitted,

**MASSACHUSETTS BAY INSURANCE
COMPANY**

By counsel

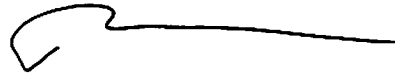


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CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing was served via first-class mail, postage prepaid, this 12th day of February, 2014, to:

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